

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  )  
                                  )  
v.                             )  
                                  )  
                                  )  
ROBERT POPEJOY,             )  
                                  )  
                                  )  
                                  )  
Defendant.                    )  
                                  )  
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4:05CR3011

ORDER

IT IS ORDERED:

1. Defendant's motion for time, filing 34, is granted and the deadline for filing pretrial motions is extended to September 26, 2005.

2. The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between August 2, 2005 and September 26, 2005 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice.

18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 2<sup>nd</sup> day of August, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge